

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ABERCROMBIE & FITCH CO.,

Plaintiff,

v.

Case No. 2:06-CV-831
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kemp

FEDERAL INSURANCE CO.,

Defendant.

FEDERAL INSURANCE CO.,

Counterplaintiff/Third-Party
Plaintiff,

v.

ABERCROMBIE & FITCH CO.,

Counterdefendant,

and

NATIONAL UNION FIRE COMPANY
OF PITTSBURGH, PA.,
Third-Party Defendant.

ORDER

This matter is before the Court on the “Motion to Dismiss Abercrombie’s Motion to Redress Contempt of Court’s January 2009 Order” filed by Defendant Federal Insurance Company (“Federal”) (Doc. 155). On April 13, 2010, Plaintiff Abercrombie & Fitch Co. (“Abercrombie”) filed a motion (Doc. 139) seeking to hold Federal in contempt of the Court’s January 20, 2009 Order granting Abercrombie’s Motion for Partial Summary Judgment, which directed Federal to advance payment to Abercrombie for reasonable costs incurred by

Abercrombie in defense of covered claims under an insurance contract between the parties. On June 21, 2010, Federal filed a motion to dismiss Abercrombie's contempt motion. (Doc. 155.) On July 13, 2010, Abercrombie filed a motion to withdraw its contempt motion. (Doc. 162.) On July 16, 2010, the Court granted Abercrombie's motion to withdraw. (Doc. 163.)

Because the Court has granted Abercrombie's motion to withdraw the contempt motion, Federal's motion to dismiss the contempt motion is now moot. Accordingly, Federal's "Motion to Dismiss Abercrombie's Motion to Redress Contempt of Court's January 2009 Order" (Doc. 155) is **DENIED**.

IT IS SO ORDERED.

3-8-2011
DATED


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE